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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850

7590

09/13/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NICKERSON, JEFFREY L.

ART UNIT

PAPER NUMBER

2442

DATE MAILED: 09/13/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,269	04/10/2007	Hanyi Wan	292986US&PCT	5615

TITLE OF INVENTION: A NETWORK NODE AND ASSOCIATED METHODOLOGY OF EXPANDING A NETWORK TOPOLOGY THROUGH
PEER SELECTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/13/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

22850 7590 09/13/2010

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

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Whereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,269 04/10/2007 Haoyi Wan 292986US&PCT 5615

TITLE OF INVENTION: A NETWORK NODE AND ASSOCIATED METHODOLOGY OF EXPANDING A NETWORK TOPOLOGY THROUGH PEER SELECTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	12/13/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
NICKERSON, JEFFREY L	2442	709-241000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
 Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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NICKERSON, JEFFREY L.				
ART UNIT			PAPER NUMBER	

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

2442
DATE MAILED: 09/13/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/584,269

Examiner

JEFFREY NICKERSON

Applicant(s)

WAN ET AL.

Art Unit

2442

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after-final amendment dated 18 August 2010.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/JEFFREY NICKERSON/
Examiner, Art Unit 2442

/Asad M Nawaz/
Supervisory Patent Examiner, Art Unit 2442

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aldo Martinez (61357) on 30 August 2010.

2. The claim listing beginning on the next page shall replace all prior versions of the claims.

Art Unit: 2442

Listing of Claims:

Claim 1 (Currently Amended): A node device which newly joins a network formed by a first existing node and a second existing node, the node device comprising:

_____ a processor;

_____ a memory;

a virtual connection establisher unit configured to establish a first virtual connection with the first existing node and configured to establish a second virtual connection with the second existing node;

a total metric value calculator unit configured to calculate a first total metric value for the first virtual connection and configured to calculate a second total metric value for the second virtual connection; and

a connection establisher unit configured to establish a connection with only the first existing node when the first total metric value is smaller than the second total metric value, and configured to establish a connection with only the second existing node when the second total metric value is smaller than the first total metric value,

wherein when calculating the first total metric value, the total metric value calculator calculates a first weighted metric value as a product of a metric value of the first virtual connection to the first existing node and a first weighting coefficient representing a number of adjacent nodes to the first existing node, the total metric value calculator also calculates a second weighted metric value as a product of a metric value of a route to the second existing node via the first virtual connection and the first existing node and a second weighting coefficient representing a number of adjacent nodes to the second existing node, and the first

total metric value is calculated as a sum of the first weighted metric value and the second weighted metric value divided by the sum of the first and second weighting coefficients, and when calculating the second total metric value, the total metric value calculator calculates a third weighted metric value as a product of a metric value of the second virtual connection to the second existing node and the second weighting coefficient, the total metric value calculator also calculates a fourth weighted metric value as a product of a metric value of a route to the first existing node via the second virtual connection and the second existing node and the first weighting coefficient, and the second total metric value is calculated as a sum of the third weighted metric value and the fourth weighted metric value divided by the sum of the first and second weighting coefficients.

Claim 2 (Previously Presented): The node device according to claim 1, further comprising:

an acquirer unit configured to acquire, from at least one of the first existing node and the second existing node, a node-node connection information of an adjacent node to one of the first existing node and the second existing node forming the network,

wherein the weighted metric value calculator unit is configured to calculate the weighted metric value in accordance with the node-node connection information.

Claim 3 (Previously Presented): The node device according to claim 2, wherein the node-node connection information includes a node ID for identifying the adjacent node, a metric value of a route between each of the first existing node and the second existing node to the adjacent node, and a number of nodes adjacent to the adjacent node.

Claim 4 (Previously Presented): The node device according to claim 3, wherein the metric value includes at least one of a number of hops, network bandwidth, communication costs, delay, load, MTU, or reliability.

Claim 5 (Currently Amended): The node device according to claim 3, wherein the acquirer unit is configured to notify the first existing node and the second existing node of a type of a metric value or a combination of metric values to be included in the node-node connection information.

Deleted: .

Deleted: .

Claim 6 (Currently Amended): A method for generating a network topology in which a new node device joins a network formed by a first existing node and a second existing node, the method comprising:

establishing a first of virtual connection between the new node device and the first existing node and a second virtual connection between the new node device and the second existing node;

calculating a first total metric value for the first virtual connection and a second total metric value for the second virtual connection; and

establishing a connection between the new node device and only the first existing node when the first total metric value is smaller than the second total metric value; and

establishing a connection between the new node device and only the second existing node when the second total metric value is smaller than the first total metric value,

wherein when the first total metric value is calculated, a first weighted total metric value is calculated as a product of a metric value of the first virtual connection between the new node device and the first existing node and a first weighting coefficient representing a number of adjacent nodes to the first existing node, a second weighted metric value is also calculated as a

product of a metric value of a route from the new node device to the second existing node via the first virtual connection and the first existing node and a second weighting coefficient representing a number of adjacent nodes to the second existing node, and the first total metric value is calculated as a sum of the first weighted metric value and the second weighted metric value divided by the sum of the first and second weighting coefficients, and

when the second total metric value is calculated, a third weighted metric value is calculated as a product of a metric value of the second virtual connection from the new node device to the second existing node and the second weighting coefficient, a fourth weighted metric value is also calculated as a product of a metric value of a route from the new node device to the first existing node via the second virtual connection and the second existing node and the first weighting coefficient, and the second total weighted metric value is calculated as a sum of the third weighted metric value and the fourth weighted metric value divided by the sum of the first and second weighting coefficients.

Claim 7 (Previously Presented): The node device according to Claim 1, wherein the acquirer unit periodically acquires updated node-node connection information by broadcasting an update notification to the first existing node and the second existing node.

Claim 8 (Previously Presented): The method according to Claim 6, further comprising:
periodically acquiring node-node connection information by broadcasting an update message to the first existing node and the second existing node.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 9:00am - 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Asad Nawaz can be reached on (571)272-3988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Examiner, Art Unit 2442

/Asad M Nawaz/
Supervisory Patent Examiner, Art Unit 2442